



February 11, 2009

MEETING MINUTES

Planning Board

Rules of Procedure Committee

February 10, 2009, 4-6 p.m.

City Hall 1st floor conference room

In attendance:

Dr. Mark Beymer, Committee Chair

Diane Young, Committee Vice Chair

Valarie Stewart

Karen Alexander

Staff: Preston Mitchell and Diana Moghrabi

CHAIR & VICE CHAIR

Dr. Mark Beymer opened the meeting by stating the first order of business was to name a chair and vice chair for the 2009-2010 Planning Board term. At the last committee meeting, qualified members of the Planning Board who are willing to serve in these positions were narrowed down to three individuals—Robert Cockerl who is willing to serve either position, Dick Huffman who is willing to serve as vice chair, and Craig Neuhardt who is willing to serve as vice chair, but feels his role on the Technical Review Committee (TRC) is preferable.

Members of staff and the committee agreed that Mr. Neuhardt's dedication to the TRC is appreciated. The new Land Development Ordinance (LDO) has been in effect for one year. Staff will make a presentation regarding the first year of the LDO at the February 24 meeting. Dr. Beymer will ask Mr. Neuhardt to also offer a report and his assessment of the TRC since the adoption of the new LDO.

The committee made certain that the process had been open and fair, and the best fit had been determined. Diane Young has served on this committee a number of years and the process has been indicative of how it was done years past. The chair runs the meeting and is equal to other members of the Planning Board.

Karen Alexander made a MOTION to provide a nomination for Robert Cockerl as the 2009-2010 Chair of the Salisbury Planning Board. Valarie Stewart seconded the motion with all members voting AYE. (4-0)

Diane Young then made a MOTION to provide a nomination for Richard (Dick) Huffman as the 2009-2010 Vice Chair of the Salisbury Planning Board. Karen Alexander seconded the motion with all members voting AYE. (4-0)

CHANGES TO THE RULES OF PROCEDURE

Bill Wagoner made a request that adequate time be given to the petitioner to speak to their petition. The petitioner has a vested interest in the project and the petitioner is most familiar with the project.

The Planning Board's time should be protected, too. The Salisbury Planning Board and Rowan County are the only COG planning boards in the state who hold courtesy hearings. It is a courtesy and not required by state statutes. Public notification is not required.

The Salisbury Planning Board no longer sees cases that meet the code. Planning Board now addresses legislative actions, quasi-judicial actions and is actively developing long-range plans.

Staff gives a good, balanced approach in their presentations. Maggie Blackwell sent an email stating that she believes that the public should hear a well-rounded presentation even though the Board has received the information in their agenda packet. There was a discussion regarding various scenarios and experiences from staff and the committee.

Legislative

The new chair will need to be comfortable with the changes. Mark Beymer will be chair until the end of March. It takes two meetings to amend the Rules of Procedure so the Planning Board will act on this March 24, 2009. The Planning Board could suspend the rules.

Currently, three minutes are allocated to the petitioner to cover anything not covered in the staff presentation. Those speaking in opposition get an opportunity to speak; then, those speaking in favor get an opportunity to speak. (The Council Chamber is equipped with a three-minute clock/timer for each speaker.) Petitioners have been getting an opportunity to rebut before the Board discussion. The Board often has Q & A before making a decision.

Three out of four members of the committee agreed. Mark Beymer did not support the last part of the committee recommendation. It was then amended; members of the committee agreed to recommend a staff presentation followed by a maximum three-minute presentation by the petitioner before the public (con or pro) speaks their maximum three minutes. The petitioner could come back a maximum of three minutes at the end to rebut or provide information relative to the petition.

It was then amended, and all agreed, that the petitioner could have a maximum of six minutes that could be taken at once at the end of the courtesy hearing (not at the beginning), or split a maximum of three minutes in the beginning of the courtesy hearing (after the staff report) and a maximum three minutes at the end of the courtesy hearing for a total of six minutes maximum. It is the petitioner's choice. (3&3 or 0&6) With this there was a unanimous agreement with the committee.

Quasi-Judicial

This is an evidentiary hearing and not a courtesy hearing. It is the legal responsibility of the petitioner to provide evidence. The explanation card will change; opinions are not sought in quasi-judicial hearings. Site plans are a requirement of the LDO and will now be a part of every Special Use Permit application.

Mark Beymer made a MOTION that the petitioner is to be granted six minutes to present their evidence up front. The petitioner must bring their evidence in writing that they meet the standards. They may be invited back at the end at the discretion of the Board. Individuals from the public could then present their evidence to either support the claim of the applicant or to say "no, I have this evidence." The public has a maximum of three minutes each to provide evidence. Karen Alexander seconded the motion with all members voting AYE. (4-0)

The committee discussed cross-examination. Attorneys are not sworn in because they are not giving evidence. Mark Beymer prefers the order of con and pro. Planning Board determines whether evidence offered is sufficient.

Page four of the Rules of Procedure will change under Board Committees: *The general purpose of committees may be to study and make a report and/or recommendation on a Land Development Ordinance (LDO) map amendment or LDO text amendment.*

Page 2 (B) Election of officers (1) Planning Board officers shall be elected at the second meeting in February of each year. Officers shall take office April 1 of each year.

The Rules of Procedure Committee is recommending these changes or revisions regarding Courtesy Hearings and Evidentiary Hearings, the date Planning Board officers take office and updating the general purpose of committees, to the Salisbury Planning Board Rules of Procedure.

Respectfully submitted,

Diana Moghrabi